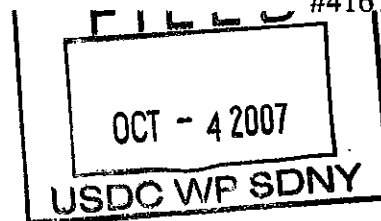


NAP/lmf

10127-56284

#416758

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
MICHAEL L. DAYTON,

NOTICE OF REMOVAL

Plaintiff,

-against-

07 CV. 8643

WESLEY GLEN FORT, ALBERT L. PROVOST, Individually,
and ALBERT L. PROVOST d/b/a JUGGIE'S CONCESSIONS,

State Court Index No.:

Defendants.
-----X

JUDGE CONNER
2007/7091

NOTICE OF REMOVAL PURSUANT TO 28 USC §1441 et seq.

Defendants in the above-captioned proceeding WESLEY GLEN FORT, ALBERT L. PROVOST, Individually, and ALBERT L. PROVOST d/b/a JUGGIE'S CONCESSIONS, by and through their attorneys TARSHIS, CATANIA, LIBERTH, MAHON & MILLIGRAM, PLLC, hereby files this Notice of Removal in the foregoing case from the Supreme Court of the State of New York, County of Orange to this United States District Court for the Southern District of New York, and respectfully shows and petitions this Court as follows:

1. On or about the 23rd day of August, 2007 an action was commenced in the New York State Supreme Court, County of Orange under Index No. 2007/7091. Copies of the Summons and Complaint along with the affidavits of service filed in the State Court action are annexed hereto as Exhibit "A" in compliance with S.D.N.Y. Local Civil Rule 81.1(b) and 28 U.S.C. § 1446 (a). Additionally, a copy of a Stipulation Extending Time to Answer or otherwise appear is annexed hereto as Exhibit "B" (said Stipulation having not yet been filed). To the best of the knowledge of the undersigned, no further proceedings have been had in the State Court.

2. As alleged in the Complaint, Plaintiff MICHAEL L. DAYTON is a resident of Orange County, New York State. Defendant WESLEY GLEN FORT (hereinafter "FORT") is a resident of the State of Florida. Defendant ALBERT L. PROVOST (hereinafter "PROVOST") is a resident of the State of California. As such, there is complete diversity of citizenship among the parties per 28 U.S.C. §1332. A copy of plaintiff's counsel's letter of September 5, 2007 to defendants' out-of-state insurance carrier, T.H.E. Insurance Company, along with a copy of a surgical report is annexed hereto as Exhibit "C". Injuries allegedly sustained by the Plaintiff include a femur fracture which required open surgery with the placement of a rod to repair the fracture. It is alleged that the accident caused pain and resulted in permanent injuries of a serious nature. Based upon the allegations, the amount in controversy exceeds \$75,000.00.

3. The within matter is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 since there is complete diversity among the parties and the amount in controversy is in excess of the statutory threshold.

4. This Notice of Removal is being filed within 30 days from the date that service of the Summons and Complaint was made upon defendants' out-of-state insurance carrier, and as such is timely filed pursuant to 28 U.S.C. § 1446 (b).

5. Venue is appropriate in the Southern District of New York pursuant to 28 U.S.C. § 1391 (b) (1) and (2) because the Plaintiff resides in this judicial district and the events in controversy which give rise to the subject action occurred in this judicial district.

6. This matter is properly assigned to White Plains under Rule 21(a)(i) of the Rules for Division of Business Among District Judges for the Southern District of New York since the claim arose in whole or in major part in the County of Orange (a "Northern County") and at least one of the parties resides in the Northern Counties.

NAP/lmf

10127-56284

#416758

WHEREFORE, the Defendants give notice that the State Court action is removed from the Supreme Court of the State of New York, County of Orange to this Court.

Dated: Newburgh, New York
October 4, 2007

Respectfully Submitted,

By:



RHETT D. WEIRES (RDW-1820)
TARSHIS, CATANIA, LIBERTH,
MAHON & MILLIGRAM, PLLC
Attorneys for the Defendants
WESLEY GLEN FORT, ALBERT L. PROVOST,
Individually, and ALBERT L. PROVOST d/b/a
JUGGIE'S CONCESSIONS
One Corwin Court, P.O. Box 1479
Newburgh, NY 12550
Telephone No.: (845) 565-1100

TO: SILVER, FORRESTER, SCHISANO,
LESSER & DREYER, P.C.
Attorneys for Plaintiff
MICHAEL L. DAYTON
3250 Route 9W
New Windsor, New York 12553
Telephone No.: (845) 562-9020

Plaintiff designates Orange County as the place of trial. The basis of venue is the situs of the incident and the residence of the plaintiff.

SUPREME COURT : STATE OF NEW YORK
COUNTY OF ORANGE

-----X
MICHAEL L. DAYTON,

Plaintiff,

-against-

WESLEY GLEN FORT, ALBERT L. PROVOST,
Individually, and ALBERT L. PROVOST
d/b/a JUGGIE'S CONCESSIONS,

Defendants.
-----X

SUMMONS

Index **20:07**

Date Filed: **2007 01 20**


TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer or, if the Complaint is not served with this Summons, to serve a notice of appearance on the plaintiff's attorneys, SILVER, FORRESTER, SCHISANO, LESSER & DREYER, within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this Summons is not personally served upon you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: New Windsor, New York
July 20, 2007

Yours, etc.,

SILVER, FORRESTER, SCHISANO
LESSER & DREYER, P.C.


BY: MICHAEL H. FORRESTER, ESQ.
Attorneys for Plaintiffs
3250 Route 9W
New Windsor, New York 12553

TO:
WESLEY GLEN FORT
c/o Secretary of State

ALBERT L. PROVOST d/b/a
JUGGIE'S CONCESSIONS
c/o Secretary of State

ALBERT L. PROVOST, Individually
c/o Secretary of State

SUPREME COURT : STATE OF NEW YORK
COUNTY OF ORANGE

-----X
MICHAEL L. DAYTON,

Plaintiff,

-against-

WESLEY GLEN FORT, ALBERT L. PROVOST,
Individually, and ALBERT L. PROVOST
d/b/a JUGGIE'S CONCESSIONS,

Defendants.
-----X

VERIFIED COMPLAINT

Index No.: **2007-7012**

Date Filed: **JUL 31 2007**

Plaintiff, MICHAEL L. DAYTON, by his attorneys, SILVER,
FORRESTER, SCHISANO, LESSER & DREYER, P.C., as and for his
Verified Complaint herein alleges as follows:

1. At all times hereinafter mentioned, plaintiff resided
and continues to reside in Newburgh, County of Orange, State of
New York.

2. Upon information and belief, at all times hereinafter
mentioned, the defendant, WESLEY GLEN FORT, resided and continues
to reside in Huntington Beach, California.

3. Upon information and belief, at all times hereinafter
mentioned, the defendant, ALBERT L. PROVOST, resided and
continues to reside in Gibsonton, Florida.

4. Upon information and belief, at all times hereinafter
mentioned, the defendant, ALBERT L. PROVOST does business as
JUGGIE'S CONCESSIONS, with its principal place of business
located in the State of Florida.

5. Upon information and belief, at all times hereinafter
mentioned, defendant, WESLEY GLEN FORT, was the operator of a

1999 Ford motor vehicle bearing Florida State license plate number IG1 KGY.

6. Upon information and belief, at all times hereinafter mentioned, defendant, ALBERT L. PROVOST, was the owner of a 1999 Ford motor vehicle bearing Florida State license plate number IG1 KGY.

7. At all times pertinent hereto, the defendant, WESLEY GLEN FORT, operated the aforesaid motor vehicle with the express and/or implied permission, consent and knowledge of the aforesaid defendant owner, ALBERT L. PROVOST.

8. Upon information and belief, defendant, WESLEY GLEN FORT, was operating the aforementioned 1999 Ford motor vehicle bearing Florida State license plate number IG1 KGY during the course of his employment for defendant, JUGGIE'S CONCESSIONS.

9. Upon information and belief, at all times hereinafter mentioned, Johnston Street, in the vicinity of Campbell Street, in the City of Newburgh, County of Orange, State of New York, was and continues to be a public highway and was the location of the accident herein.

10. That on or about June 10, 2007, the plaintiff was lawfully proceeding as a pedestrian on the aforementioned roadway.

11. That on or about June 10, 2007, the defendant, WESLEY GLEN FORT, operated the aforementioned motor vehicle in such a manner so as to cause same to come into contact with the person of the plaintiff.

12. That the aforesaid collision and serious personal injuries sustained by plaintiff were caused solely by reason of the negligence of the defendants without any negligence of the plaintiff contributing thereto.

13. The defendants were negligent, reckless and careless in causing and/or permitting the motor vehicle to be operated in such a manner and at such a rate of speed which was unreasonable and imprudent under the prevailing traffic and pedestrian conditions; in causing and/or permitting their motor vehicle to come into contact with the plaintiff; in operating their motor vehicle in such a manner that they knew or should have known of the danger created to pedestrians in the area; in operating their motor vehicle in such a manner so as to create traffic conditions which were dangerous to pedestrians; in failing to take those steps necessary to avoid the contingency which occurred herein; in allowing and/or permitting their motor vehicle to be operated at an excessive rate of speed; in failing to keep a proper lookout; and in failing to stop and/or slow down to avoid the contingency which occurred.

14. That by reason of the foregoing, the plaintiff was caused to sustain severe and serious injuries to his mind and body, some of which, upon information and belief, are permanent with permanent effects of pain, disability, disfigurement and loss of body function. Further, this plaintiff was caused to expend and become obligated for diverse sums of money for the purpose of obtaining medical care and/or cure in an effort to

alleviate the suffering and ills sustained as a result of this accident; and upon information and belief, may continue in that way into the future and suffer similar losses.

15. Furthermore, this plaintiff sustained a serious injury as defined in the Insurance Law, Section 5102(d) of the State of New York, effective September 1, 1984.

16. This action falls within one or more of the exceptions set forth in C.P.L.R. 1602.

AS AND FOR A FIRST AND SEPARATE CAUSE OF ACTION

17. Plaintiff repeats reiterates and realleges each and every allegation contained in paragraphs "1" through "16" inclusive with the same force and effect as if more fully set forth herein.

18. The aforementioned injuries to plaintiff were caused as a result of the negligence, recklessness and carelessness of the defendants, without any negligence of the plaintiff contributing thereto.

19. By reason of the negligence of the defendants as aforesaid, the plaintiff has suffered severe personal injuries, pain and suffering, distress and disability.

20. By reason of the foregoing, this plaintiff was caused to sustain severe and serious personal injuries to his mind and body, some of which, upon information and belief, are permanent with permanent effects of pain, disability, disfigurement and loss of body function. Further, this plaintiff was caused to expend and become obligated for diverse sums of money for the purpose of

obtaining medical care and/or cure in an effort to alleviate the suffering and ills sustained as a result of this incident, the plaintiff was caused to lose substantial periods of time from his normal vocation and upon information and belief, may continue in that way into the future and suffer similar losses.

21. By reason of the foregoing, the plaintiff, MICHAEL L. DAYTON, has been damaged in a sum, which the jury would find to be fair, adequate, and just and exceeds the jurisdictional limits of all lower Courts.

WHEREFORE, plaintiff, MICHAEL L. DAYTON, demands judgment against the defendants, WESLEY GLEN FORT, ALBERT L. PROVOST, Individually, and ALBERT L. PROVOST d/b/a JUGGIE'S CONCESSIONS, as follows:

a. On behalf of the plaintiff, MICHAEL L. DAYTON, for the First Cause of Action, in a sum, which the jury would find to be fair, adequate, and just; and

b. Together with the costs and disbursements of this action, and for other and further relief as to this Court may seem just and proper.

Dated: New Windsor, New York
July 20, 2007

Yours, etc.,

SILVER, FORRESTER, SCHISANO,
LESSER & DREYER, P.C.

By: 

MICHAEL H. FORRESTER


Attorneys for Plaintiff
3250 Route 9W
New Windsor, New York 12553
(845) 562-9020

VERIFICATION


STATE OF NEW YORK)
 : ss.:
COUNTY OF ORANGE)

MICHAEL L. DAYTON, being duly sworn, says:

I am the plaintiff in the action herein; I have read the annexed COMPLAINT and know that the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.


MICHAEL L. DAYTON

Sworn to before me on
the 25th day of July, 2007.


NOTARY PUBLIC

NANCY R. PLATE
Notary Public, State of New York
Qualified in Dutchess County
Registration No. 01PL8130804
Commission Expires July 25, 2009

Index No.

Year 20

SUPREME COURT STATE OF NEW YORK : COUNTY OF ORANGE

MICHAEL L. DAYTON,

Plaintiff,

-against-

WESLEY GLEN FORT, ALBERT L. PROVOST, Individually, and ALBERT L.
PROVOST d/b/a JUGGIE'S CONCESSIONS,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

SILVER, FORRESTER, SCHISANO, LESSER & DREYER

Attorneys for

Plaintiff

3250 ROUTE 9W
NEW WINDSOR, N.Y. 12553
(845) 562-9020

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature.....

Print Signer's Name

is hereby admitted.

Service of a copy of the within

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐
NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

☐
NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. one of the judges of the within named Court,
at 20 , at M.
on

Dated:

SILVER, FORRESTER, SCHISANO, LESSER & DREYER
Attorneys for

To:

Attorney(s) for

1071-012

TO: THE COUNTY CLERK OF ORANGE COUNTY

Application for INDEX NUMBER pursuant to
Section 8018 of CPLR

 X SUPREME

2007 7091

 COUNTY CLERK

Space below to be TYPED or PRINTED by Applicant
FULL TITLE OF ACTION OR PROCEEDING

JUL 31 2007

MICHAEL L. DAYTON,
Plaintiff,

-against-

WESLEY GLEN FORT, ALBERT L. PROVOST, Individually,
and ALBERT L. PROVOST d/b/a JUGGIE'S CONCESSIONS,

Defendants.

Silver, Forrester, Schisano, Lesser & Dreyer, P.C.
3250 Route 9W South, New Windsor, NY 12553
Name and Address of Attorney for Plaintiff or Petitioner

Name and Address of Attorney for Defendant or Respondent

Michael H. Forrester, Esq., of Silver, Forrester, et al
Name of Applicant

SUBMITTED PAPERS ARE: (Please check below)

 X Summons & Complaint

 Order to Show Cause

 Summons w/Notice

 Poor Person Afft./Atty's Cert.

 Notice of Petition

 Other: _____

 Petition

THIS FORM MUST BE COMPLETED AND SIGNED BY APPLICANT: _____

(signature)

SPACE BELOW FOR OFFICE USE ONLY

REQUISITIONED BY: _____ Date: _____

_____ Date: _____

_____ Date: _____

(Print signer's name below signature)

RECORDED & FILED
OCT 26 2007
DOUGLAS L. REASON
County Clerk
ORANGE COUNTY, NY
CLERK # 010220010002
CLERK # 010220010002
RECORDING FEE \$ 10.00
SUPREME & DISTRICT COURT
ORANGE COUNTY, NY



Silver, Forrester, Schisano, Lesser & Dreyer, P.C.

ATTORNEYS AND COUNSELORS AT LAW

3250 ROUTE 9W

NEW WINDSOR, NEW YORK 12553

(845) 562-9020 (845) 562-7570

(845) 561-4441

(800) 736-8556

FAX: (845) 562-9025

FAX: (845) 562-9351

BARRY B. SILVER (N.Y. & FL. BARS)

MICHAEL H. FORRESTER

RICHARD SCHISANO

SOL LESSER

SARAH ROSENBLATT DREYER (N.Y. & CT. BARS)

DARRYL J. DREYER

MICHAEL A. FERRARO

REFER TO FILE # _____

8052

September 4, 2007

Orange County Clerk
Orange County Government Center
255-275 Main Street
Goshen, New York 10924

Re: MICHAEL L. DAYTON v. WESLEY GLEN FORT, et al
Index No.: 2007/7091

Dear Sir/Madam:

Enclosed please find an original Affidavit of Service of the defendant, Albert L. Provost, for the Summons and Complaint in regard to the above matter. Kindly file same under the index number listed above and return a stamped copy in the self-addressed envelope provided to show us the filing date.

Thank you.

Very truly yours,

SILVER, FORRESTER, SCHISANO, LESSER & DREYER, P.C.

Michael Forrester

BY: MICHAEL H. FORRESTER, ESQ.

MHF/np

Enclosures

AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE

Index # 2007 7091

Purchased/Filed: July 31, 2007

STATE OF NEW YORK

SUPREME COURT

ORANGE COUNTY

Michael L. Dayton

Plaintiff

against

Wesley Glen Fort, et al

Defendant

STATE OF NEW YORK
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on August 28, 2007, at 2:00 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summons and Verified Complaint

on

Albert L. Provost, the

Defendant in this action, by delivering to and leaving with Carol Vogt,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 1 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 10 dollars; That said service was made pursuant to Section 253 Vehicle and Traffic Law.

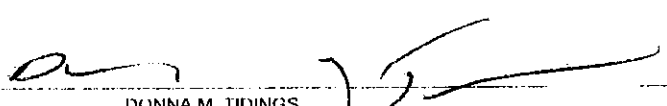
Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 43 Approx. Wt: 118 Approx. Ht: 5'

Color of skin: White Hair color: Brown Sex: F Other: _____

Sworn to before me on this

30th day of August, 2007


DONNA M. TIDINGS
NOTARY PUBLIC, State of New York
No. 0114898570, Qualified in Albany County
Commission Expires June 15, 2011


Jessica Miller

Invoice/Work Order # SP0706917

SERVICO, INC. - PO BOX 871 - ALBANY, NEW YORK 12201 - PH 518-463-4179

FILED
ORANGE COUNTY CLERK
2007 SEP 10 AM 11:12

RDW/lmf

10127-56284

#415831

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
MICHAEL L. DAYTON,

Plaintiff,

STIPULATION EXTENDING
TIME TO ANSWER

-against-

WESLEY GLEN FORT, ALBERT L. PROVOST,
Individually, and ALBERT L. PROVOST d/b/a
JUGGIE'S CONCESSIONS,

Index No. 2007-7091

Defendants.
-----X

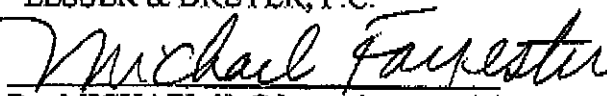
IT IS HEREBY STIPULATED AND AGREED by and between plaintiff, MICHAEL L. DAYTON, through his counsel, SILVER, FORRESTER, SCHISANO, LESSER & DREYER, P.C., and defendants, WESLEY GLEN FORT, ALBERT L. PROVOST, Individually, and ALBERT L. PROVOST d/b/a JUGGIE'S CONCESSIONS, through their counsel, TARSHIS, CATANIA, LIBERTH, MAHON & MILLIGRAM, PLLC, that the time for defendants WESLEY GLEN FORT, ALBERT L. PROVOST, Individually, and ALBERT L. PROVOST d/b/a JUGGIE'S CONCESSIONS, to answer or otherwise appear in the above-captioned matter is hereby extended by Stipulation for one month from September 28, 2007 to October 29, 2007.

Dated:

Dated: September 25, 2007

SILVER, FORRESTER, SCHISANO,
LESSER & DREYER, P.C.

TARSHIS, CATANIA, LIBERTH,
MAHON & MILLIGRAM, PLLC


By: MICHAEL H. FORRESTER, ESQ.
Attorneys for Plaintiff
3250 Route 9W
New Windsor, New York 12553
Tel. No. (845) 562-9020

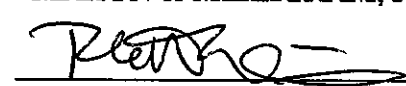

By: RHETT D. WEIRES, ESQ.
Attorneys for Defendants
One Corwin Court - PO Box 1479
Newburgh, NY 12550
Tel. No. (845) 565-1100

Exhibit C

134022

Silver, Forrester, Schisano, Lesser & Dreyer, P.C.

ATTORNEYS AND COUNSELORS AT LAW

3250 ROUTE 9W

NEW WINDSOR, NEW YORK 12553

(845) 562-9020 (845) 562-7570

(845) 561-4441

(800) 736-8556

FAX: (845) 562-9025

BARRY B. SILVER (N.Y. & FL. BARS)

MICHAEL H. FORRESTER

RICHARD SCHISANO

SOL LESSER

SARAH ROSENBLATT DREYER (N.Y. & CT. BARS)

DARRYL J. DREYER

REFER TO FILE #
8052

September 5, 2007

T. H. E. Insurance Company
10451 Gulf Boulevard
Treasure Island, Florida 33706
Attn: Ms. Kimberly Boswell

Re: MICHAEL L. DAYTON v. WESLEY GLEN FORT, et al
Index No.: 2007/7091

Dear Ms. Boswell:

Pursuant to your request, enclosed please find a copy of the Summons and Complaint in the above-referenced matter, as well as a copy of the Affidavit of Service for defendant, Albert L. Provost.

Also enclosed, please find a copy of the operative report and various authorizations for the release records from Mr. Dayton's treating medical providers.

Please contact me to discuss this matter once you have had an opportunity to review these items.

Thank you.

Very truly yours,

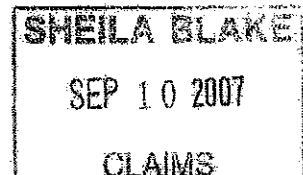
SILVER, FORRESTER, SCHISANO, LESSER & DREYER, P.C.

Michael Forrester

BY: MICHAEL H. FORRESTER, ESQ.

MHF/np

Enclosures



To: STEPHEN MAURER, MD From: Medical Records

08/14/07 20:59 Page 2 of 6

SAINT FRANCIS HOSPITAL
POUGHKEEPSIE, NEW YORK 12601

OPERATIVE REPORT

PATIENT: DAYTON, MICHAEL
ADMISSION DATE: 06/12/2007
Job #000087322/Doc #374985

MR #: 00-71-34-89

DISCHARGE DATE:

P/T:T

LOCATION: 5CKE522D

SURGERY DATE: 06/12/2007

PREOPERATIVE DIAGNOSIS: Right open femur fracture.

POSTOPERATIVE DIAGNOSIS: Right open femur fracture.

SURGEON: S. Maurer, MD
ASSISTANT: K. Miller, PA

ANESTHESIA: General

NAME OF OPERATION: Irrigation and debridement and
intramedullary nailing right femur.

ESTIMATED BLOOD LOSS: 100cc -89

FLUID REPLACEMENT: One liter of Crystalloid -89

DRAINS, COMPLICATIONS: None

DISPOSITION: The patient to the recovery room in stable
condition.

COMPONENTS IMPLANTED: Stryker T2 nail 420 - millimeter in length x
11 - millimeter in diameter with one
proximal and two distal 5 - millimeter
interlocking screws.

PROCEDURE: The patient was brought to the operating room and general
anesthesia was induced. The patient was given intravenous antibiotics. The
patient was then placed on the fracture table and the fracture was reduced
with a combination of traction and internal rotation with near anatomic
reduction noted with traction. There was noted to be some anterior
displacement of the proximal fragment on the lateral view, which could be
manually reduced. The right lower extremity was then prepped and draped in
the usual sterile fashion. The open wound on the medial aspect of the leg
was opened up with the #10-blade. Right underneath it was noted the
fracture site could be palpated and debridement was performed at this time
including skin, subcutaneous tissue, muscle, and fascia. The fracture site
was then copiously irrigated with pulsatile lavage with nine liters of
fluid. This wound was then left opened.

We directed our attention to the fracture site and using a #10-blade a 2-
centimeter incision was made two finger breaths proximal to the tip of the
greater trochanter. The incision was carried down through the skin and the
subcutaneous tissue. The gluteal fascia was split in line with the

1 of 2 COPY FOR STEPHEN MAURER, MD

To:STEPHEN MAURER, MD From:Medical Records

08/14/07 21:00 Page 3 of 8

OPERATIVE REPORT

PATIENT: DAYTON, MICHAEL

MR #: 00-71-34-89

LOCATION: 5CKE5225

previously made skin incision and finger dissection was used to palpate the tip of the greater trochanter. Under fluoroscopic control a threaded guidewire was then advanced to the tip of the greater trochanter and down past the level of the lesser trochanter. The position of the guidewire was checked in AP and lateral fluoroscopic projections. The proximal reamer was then advanced over the guidewire again down to the level of the lesser trochanter. The ball tipped guidewire was then advanced through the pilot hole down to the level of the fracture site and at this time the fracture reduction tool, which was cannulated, was placed over the guidewire again down to the level of the fracture site. The fracture was manipulated with extension of the proximal fragment, which enabled the guidewire to be passed across the fracture site down to the level of the physal scar of the knee. Sequential reaming of the femur was performed at this time beginning with an 8 - millimeter reamer up to a 12.5 - millimeter reamer across the fracture site. The proximal aspect of the fracture, to the level of the lesser trochanter, was reamed to a 14 - millimeter diameter. The guidewire was measured to be 420 - millimeters in length, and at this time an 11 - millimeter in diameter x 420 - millimeter in length T2 nail was assembled on the jig and it was passed across the guidewire, across the fracture site, down to the level of the physal scar of the knee. The guidewire was then removed. One proximal interlocking screw was placed in static mode at the level of the lesser trochanter and using freehand technique two distal interlocking screws were then placed again distally.

Final fluoroscopic x-rays were taken in the AP and lateral fluoroscopic projections, which showed good position of the hardware as well as good reduction of the fracture. The medial wound again was copiously irrigated with pulsatile lavage. The incisions were closed using 0-Vicryl in the fascial layer, 2-0 Vicryl in the subcutaneous tissue, and staples in the skin. Sterile dressings were applied. The patient was then awoken from the anesthesia uneventfully and he was transferred to the stretcher and taken to the recovery room in stable condition. There were no complications. All sponge and needle counts were correct.

SM/cs

D: 06/12/2007 1:15 P

T: 06/14/2007 11:27 A

cc: STEPHEN MAURER, MD
 KRISTIN MILLER, PA

STEPHEN MAURER, MD